

EXHIBIT

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RCB



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FILED
ALAMEDA COUNTY

SEP 08 2008
CLERK OF THE SUPERIOR COURT
M. Hayes
Deputy

Attorneys for Defendant
Circuit City Stores, Inc.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

LIMITED CIVIL CASE JURISDICTION

SATCHIDANANDA MIMS AKA
Satchi Mims,

Plaintiff,

v.

CIRCUIT CITY STORES, INC., a
Virginia corporation, and DOES 1
through 5, inclusive,

Defendants.

) Case No. RG08399323

)
) ANSWER AND AFFIRMATIVE
) DEFENSES OF CIRCUIT CITY
) STORES, INC. TO PLAINTIFF'S
) COMPLAINT

) ASSIGNED FOR ALL PURPOSES TO:

) Hon. Cecilia P. Castellanos
) Department 18

) Complaint Filed: August 1, 2008

BY FAX

Defendant Circuit City Stores, Inc. ("Circuit City"), for itself and no other
defendant, states as follows for its Answer and Affirmative Defenses to Plaintiffs'
Complaint ("Complaint").

ANSWER

1. Circuit City denies, conjunctively and disjunctively, each and every

1 allegation set forth in the Complaint.

2 **AFFIRMATIVE DEFENSES**

3 **FIRST AFFIRMATIVE DEFENSE**

4 **Failure to State a Claim**

5 2. As and for a first separate, distinct and affirmative defense, Circuit
6 City alleges that the Complaint fails to state a claim or claims upon which relief
7 can be granted against Circuit City.

8 **SECOND AFFIRMATIVE DEFENSE**

9 **Statute of Limitations**

10 3. As and for a second separate, distinct and affirmative defense, Circuit
11 City is informed and believes, and, on that basis, alleges that this action may be
12 barred, in whole or in part, by the applicable statutes of limitations.

13 **THIRD AFFIRMATIVE DEFENSE**

14 **Binding Arbitration**

15 4. As and for a third separate, distinct and affirmative defense, Circuit
16 City alleges that all of the claims of Plaintiff are subject to binding arbitration and
17 Circuit City, by answering this Complaint does not intend to waive the right to
18 arbitration.

19 **FOURTH AFFIRMATIVE DEFENSE**

20 **Failure to Mitigate**

21 5. As and for a fourth separate, distinct and affirmative defense, Circuit
22 City alleges that Plaintiff, failed to mitigate any damages Plaintiff alleges to have
23 suffered, which damages, are denied.

24 **FIFTH AFFIRMATIVE DEFENSE**

25 **Good Faith/Reasonable Commercial Standards**

26 6. As and for a fifth separate, distinct and affirmative defense, Circuit
27 City alleges that this action may be barred, in whole or in part, because any
28 conduct or action of Circuit City was and is reasonable and lawful because

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1 Plaintiff has not been injured and is not threatened with future loss or damage by
2 any conduct of Circuit City.

3 **SIXTH AFFIRMATIVE DEFENSE**

4 **Estoppel**

5 7. As and for a sixth separate, distinct and affirmative defense, Circuit
6 City alleges that the Complaint is barred by the doctrine of estoppel.

7 **SEVENTH AFFIRMATIVE DEFENSE**

8 **Waiver**

9 8. As and for a seventh separate, distinct and affirmative defense,
10 Circuit City alleges that the Complaint is barred by the doctrine of waiver.

11 **EIGHTH AFFIRMATIVE DEFENSE**

12 **Laches**

13 9. As and for an eighth separate, distinct and affirmative defense,
14 Circuit City alleges that the Complaint is barred by the doctrine of laches.

15 **NINTH AFFIRMATIVE DEFENSE**

16 **Consent**

17 10. As and for a ninth separate, distinct and affirmative defense, Circuit
18 City alleges that by their conduct, actions and inactions, Plaintiff has consented to
19 and acquiesced in any of the alleged conduct of Circuit City.

20 **TENTH AFFIRMATIVE DEFENSE**

21 **Contributory Negligence**

22 11. As and for a tenth separate, distinct and affirmative defense, Circuit
23 City alleges that any harm to Plaintiff, which harm Circuit City denies, was
24 caused as a result of the conduct or actions of Plaintiffs or others.

25 **ELEVENTH AFFIRMATIVE DEFENSE**

26 **Unclean Hands**

27 12. As and for an eleventh separate, distinct and affirmative defense,
28 Circuit City alleges that the Complaint is barred by the doctrine of unclean hands.

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TWELFTH AFFIRMATIVE DEFENSE

Comparative Fault/Equitable Indemnity

13. As and for a twelfth separate, distinct and affirmative defense, Circuit City alleges that it is entitled to have any monetary award, whether damages, restitution, or attorneys' fees and costs, reduced or eliminated by the comparative fault doctrine and principles of equitable or comparative indemnity. If Circuit City is found in some manner responsible to Plaintiff for any injury or damage alleged in the Complaint, any such injury or damage was proximately caused and contributed to by the negligence, fault, acts, or omissions of other individuals or entities for whose conduct Circuit City is not responsible. By reason of the foregoing, Circuit City is entitled to full or partial indemnity from such other individuals or entities.

THIRTEENTH AFFIRMATIVE DEFENSE

Assumption of the Risk

14. As and for a thirteenth separate, distinct and affirmative defense, Circuit City alleges that the Complaint, and each and every purported cause of action contained therein, is barred in whole or in part, because Plaintiff voluntarily assumed the risk of the alleged conduct, events, and other matters complained of in the Complaint, and the damage or injury, if any, alleged in the Complaint was the proximate result of the risk assumed by Plaintiff.

FOURTEENTH AFFIRMATIVE DEFENSE

Statute of Frauds

15. As and for a fourteenth separate, distinct and affirmative defense, Circuit City alleges that the Complaint, and each and every purported cause of action contained therein, is barred by the statute of frauds.

FIFTEENTH AFFIRMATIVE DEFENSE

Limited Warranty

16. As and for a fifteenth separate, distinct and affirmative defense,

1 Circuit City alleges that a written agreement between Plaintiff and Circuit City
2 limits the remedies that may be obtained by plaintiff for any alleged breach of
3 warranty.

4 SIXTEENTH AFFIRMATIVE DEFENSE

5 Unreasonable Use of Goods

6 17. As and for a sixteenth separate, distinct and affirmative defense,
7 Circuit City is informed and believes and, on that basis, alleges that any defect or
8 nonconformity of which the Plaintiff complains in this matter was proximately
9 caused by the unauthorized or unreasonable use of the goods by the Plaintiff
10 following sale and delivery of those goods by Circuit City to Plaintiff.

11 SEVENTEENTH AFFIRMATIVE DEFENSE

12 Exclusion or Modification of Warranty

13 18. As and for a seventeenth separate, distinct and affirmative defense,
14 Circuit City alleges that the Complaint, and each and every purported cause of
15 action contained therein, is barred in whole or in part, because a written agreement
16 between Plaintiff and Circuit City clearly, conspicuously, and expressly limits and
17 excludes any warranty of merchantability and fitness for particular purpose.

18 EIGHTEENTH AFFIRMATIVE DEFENSE

19 Virginia Law

20 19. As and for an eighteenth separate, distinct and affirmative defense,
21 Circuit City alleges that the claims and defenses raised in the Complaint and the
22 affirmative defenses alleged herein are all governed by the laws of the
23 Commonwealth of Virginia law pursuant to a written agreement between Plaintiff
24 and Circuit City.

25 ///

26 ///

27 ///

28 ///

NINETEENTH AFFIRMATIVE DEFENSE

Reservation of Rights to Assert Additional Affirmative Defense

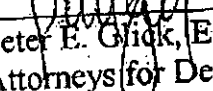
20. As and for a nineteenth separate, distinct and affirmative defense, Circuit City reserves the right to assert such other and further affirmative defenses as may be appropriate through the course of the litigation.

WHEREFORE, Defendant CIRCUIT CITY STORES, INC. prays judgment against Plaintiff herein as follows:

1. That Plaintiff takes nothing on their Complaint herein;
2. That the Complaint be dismissed with prejudice;
3. For costs of suit herein;
4. For an award of its reasonable attorney's fees incurred herein; and,
5. For such other and further relief as the Court deems just and proper.

Dated: September 8, 2008.

PETER E. GLICK
Attorney at Law


Peter E. Glick, Esq. (127979)
Attorneys for Defendant
CIRCUIT CITY STORES, INC.

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1 *Satchidananda Mims a.k.a. Satchi Mims v. Circuit City Stores, Inc.*
2 Alameda County Superior Court, Case No.: RG08399323

3 **PROOF OF SERVICE**

4 I am a resident of the State of California, over the age of eighteen years, and not a
5 party to the within action. My business address is Peter E. Glick, Attorney at Law, 400 Capitol
6 Mall, Suite 1100, Sacramento, CA 95814. On September 8, 2008, I served the within
7 documents:

8 **ANSWER AND AFFIRMATIVE DEFENSES OF CIRCUIT CITY STORES, INC. TO PLAINTIFF'S
9 COMPLAINT**

10 ☐

11 by transmitting via facsimile the document(s) listed above to the fax number(s)
12 set forth below on this date before 5:00 p.m.

13 ☒

14 by placing the document(s) listed above in a sealed envelope with postage
15 thereon fully prepaid, in the United States mail at Sacramento, California
16 addressed as set forth below.

17 ☐

18 by causing delivery by _____ of the document(s) listed above
19 to the person(s) at the address(es) set forth below.

20 ☐

21 by personally delivering the document(s) listed above to the person(s) at the
22 address(es) set forth below.

23 Satchidananda Mims a.k.a. Satchi Mims
24 P. O. Box 19304
25 Oakland, CA 94619

26 I am readily familiar with the firm's practice of collection and processing
27 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
28 Service on that same day with postage thereon fully prepaid in the ordinary course of business. I
am aware that on motion of the party served, service is presumed invalid if postal cancellation
date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

Executed on September 8, 2008, at Sacramento, California.

Roxane Balison White
Roxane Balison-White

EXHIBIT

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

----- X
In re: : Chapter 11
:
CIRCUIT CITY STORES, INC., : Case No. 08-35653
el al., :
: Jointly Administered
Debtors. :
----- X

**NOTICE OF DEADLINE
FOR FILING PROOFS OF CLAIM**

**TO ALL CREDITORS, EQUITY INTEREST HOLDERS OF THE DEBTORS AND OTHER
PARTIES IN INTEREST:**

PLEASE TAKE NOTICE OF THE FOLLOWING:

On December 11, 2008, the United States Bankruptcy Court for the Eastern District of Virginia (the "Bankruptcy Court") entered an order (the "Bar Date Order") in the above captioned chapter 11 cases establishing **January 30, 2009 at 5:00 p.m. (Pacific Time)** as the general claims bar date (the "General Bar Date") in the chapter 11 cases of the above-captioned debtors and debtors in possession (collectively, the "Debtors").¹ Except as described below, the Bar Date Order requires all Entities, as defined in section 101(15) of 11 U.S.C. §§ 101-1532 (the "Bankruptcy Code"), including persons, estates, trusts and the United States trustee (but excluding governmental units), that have or assert any prepetition Claims (as defined herein) against any of the Debtors listed on page 4 below, to file a proof of claim so that such proof of claim is received on or before **5:00 p.m., Pacific Time**, on the General Bar Date at the following address if delivered by mail, hand delivery or overnight courier:

The Debtors and the last four digits of their respective taxpayer identification numbers are as follows: Circuit City Stores, Inc. (3875), Circuit City Stores West Coast, Inc. (0785), InterTAN, Inc. (0875), Ventoux International, Inc. (1338), Circuit City Purchasing Company, LLC (5179), CC Aviation, Inc. (0841), CC Distribution Company of Virginia, Inc. (2821), Circuit City Properties, LLC (3353), Kinzer Technology, LLC (2157), Abbott Advertising Agency, Inc. (4659), Patapsco Designs, Inc. (6796), Sky Venture Corp. (0311), PRAIRIE, INC. (n/a), XSStuff, LLC (9263), Mayland MN, LLC (6116), Courchevel, LLC (n/a), Orbyx Electronics, LLC (3360), and Circuit City Stores PR, LLC (5512). The address for Circuit City Stores West Coast, Inc. is 9250 Sheridan Boulevard, Westminster, Colorado 80031. For all other Debtors, the address is 9950 Mayland Drive, Richmond, Virginia 23233.

Circuit City Stores, Inc., et al.
Claims Processing Dept.
Kurtzman Carson Consultants LLC
2335 Alaska Avenue
El Segundo, CA 90245

DO NOT FILE YOUR PROOF OF CLAIM WITH THE BANKRUPTCY COURT.

The Debtors intend to file their Schedules of Assets and Liabilities and Statements of Financial Affairs (the "Schedules and Statements") with the Bankruptcy Court by December 30, 2008. Copies of the Schedules and Statements can then be obtained at www.vaeb.uscourts.gov or www.kccllc.net/circuitcity.

GOVERNMENTAL BAR DATE

In accordance with 11 U.S.C. § 502(b)(9), any Claims of governmental units, as defined by 11 U.S.C. § 101(27), against any of the Debtors listed on page 4 below, must be filed and served so that such proof of claim is received on or before **May 11, 2009 (the "Governmental Bar Date") at 5:00 p.m., Pacific Time**, at the following address if delivered by mail, hand delivery or overnight courier:

Circuit City Stores, Inc., et al.
Claims Processing Dept.
Kurtzman Carson Consultants LLC
2335 Alaska Avenue
El Segundo, CA 90245

DEFINITION OF CLAIM

For purposes of this Bar Date Notice, "Claim" shall mean, as to or against any of the Debtors listed on page 4 below: (1) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (2) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

PERSONS OR ENTITIES WHO MUST FILE A PROOF OF CLAIM

Pursuant to the Bar Date Order, all Entities holding Claims against the Debtors (whether secured, priority or unsecured)

change the Debtor against which a Claim has been scheduled, then the affected claimant shall have thirty (30) days from the date of service of notice thereof to file a proof of claim or to amend any previously filed proof of claim in respect of such amended scheduled Claim (the "Amended Schedule Bar Date").

Any Entity holding an interest in any Debtor (each an "Interest Holder"), which interest is based exclusively upon the current ownership of stock or other equity interest of any of the Debtors (an "Interest"), (an "Interest"), need not file a proof of Interest based solely on account of such Interest Holder's ownership interest in such Interest; provided, however, that any Interest Holder (other than a governmental unit) who wishes to assert a Claim against any of the Debtors based on any transaction in the Debtors' Interests, including but not limited to a Claim for damages or rescission based on the purchase or sale of the Interests, must file a proof of claim on or prior to the General Bar Date; provided, further, however, that any Interest Holder that is a governmental unit who wishes to assert a Claim against any of the Debtors based on any transaction in the Debtors' Interests, including but not limited to a Claim for damages or rescission based on the purchase or sale of the Interests, must file a proof of claim on or prior to the Governmental Bar Date.

FILING PROOFS OF CLAIM AGAINST MULTIPLE DEBTORS

Any Entity asserting Claims against more than one Debtor must file a separate proof of claim with respect to each such Debtor. All Entities must identify on their proof of claim the particular Debtor against which their Claim is asserted and the case number of that Debtor's bankruptcy case. A proof of claim listing no reference to a particular Debtor or a proof of claim listing all of the Debtors will be deemed filed against Circuit City Stores, Inc., Case No. 08-35683.

CONSEQUENCES OF FAILURE TO FILE PROOF OF CLAIM

Any creditor that is required to file but fails to file a proof of claim for its Claim in accordance with the procedures set forth herein on or before the General Bar Date, the Governmental Bar Date, or such other date established hereby (as applicable) shall be forever barred, estopped, and enjoined from: (a) asserting any Claim against the Debtors that (i) is in an amount that exceeds the amount, if any, that is set forth in the Schedules as undisputed, noncontingent, and unliquidated or (ii) is of a different nature or in a different classification (any such claim referred to as an "Unscheduled Claim") and (b) voting upon, or receiving distributions under, any plan or plans of

reorganization in these chapter 11 cases in respect of an Unscheduled Claim; and the Debtors and their property shall be forever discharged from any and all indebtedness or liability with respect to such Unscheduled Claim. If it is unclear from the Schedules and Statements whether your Claim is disputed, contingent or unliquidated as to amount or is otherwise properly listed and classified, you must file a proof of claim on or before the General Bar Date. Any Entity that relies on the Schedules and Statements bears responsibility for determining that its Claim is accurately listed therein.

RESERVATION OF RIGHTS

The Debtors reserve the right to: (1) dispute, or to assert offsets or defenses against, any filed Claim or any Claim listed or reflected in the Schedules and Statements as to nature, amount, liability, classification, Debtor or otherwise; or (2) subsequently designate any Claim as disputed, contingent or unliquidated. Nothing set forth in this Notice shall preclude the Debtors from objecting to any Claim, whether scheduled or filed, on any grounds.

TIME AND PLACE FOR FILING PROOFS OF CLAIM

A signed original of any proof of claim, substantially in the form annexed hereto, together with accompanying documentation, must be delivered so as to be received no later than 5:00 p.m., Pacific Time, on the General Bar Date, the Selection Bar Date, the Governmental Bar Date or the Amended Schedule Bar Date, as applicable, depending upon the nature of the claim, at the following address if delivered by mail, hand delivery or overnight courier:

Circuit City Stores, Inc., et al.
Claims Processing Dept.
Kurtzman Carson Consultants LLC
2335 Alaska Avenue
El Segundo, CA 90245

Any proof of claim submitted by facsimile or other electronic means will not be accepted and will not be deemed filed until such proof of claim is submitted by the method described in the foregoing sentence. Proofs of claim will be deemed filed only when actually received at the address listed above. If you wish to receive acknowledgment of the Debtors' receipt of your proof of claim, you must also submit a copy of your original proof of claim and a self-addressed, stamped envelope.

A creditor's proof of claim may be filed without the writings and/or documentation upon which the claim is based, as required by Bankruptcy Rule 3001(c) and (d); provided, however, that, upon the request of the Debtors or any other party in interest in these cases, any such creditor will be required to transmit promptly such writings and/or documentation to the Debtors or the other party in interest, but in no event later than ten (10) days from the date of such request.

ADDITIONAL INFORMATION

If you need additional information regarding the filing of a proof of claim, you may contact the Debtors in writing, through their counsel, at the address listed below. You may also contact Kurtzman Carson Consultants LLC, at (888)830-4650 between 9:00 a.m. and 5:00 p.m. Pacific Time. The claims registers for the Debtors will be available at the office of Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, CA 90245.

Approved by the United States Bankruptcy Court for the Eastern District of Virginia on December 11, 2008.

Dated: December 12, 2008
Richmond, Virginia

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM, LLP
Gregg M. Galardi, Esq.
Ian S. Fredericks, Esq.
P.O. Box 636
Wilmington, Delaware
19899-0636

MCGUIREWOODS LLP
Dion W. Hayes (VSB No. 34304)
Douglas M. Foley (VSB
No. 34364)
One James Center
901 E. Cary Street
Richmond, Virginia 23219
(804) 775-1089

- and

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM, LLP
Chris L. Dickerson, Esq.
333 West Wacker Drive
Chicago, Illinois 60606

Counsel for the Debtors and Debtors in Possession

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

----- x
In re: : Chapter 11
: :
CIRCUIT CITY STORES, INC., et al. : Case No. 08-35653
: :
: Jointly Administered
Debtors. :
----- x

**NOTICE OF COMMENCEMENT OF CHAPTER 11 BANKRUPTCY CASES,
MEETING OF CREDITORS AND FIXING OF CERTAIN DATES**

On November 10, 2008, the above-captioned debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors") filed voluntary petitions for relief under chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101 through 3532 (the "Bankruptcy Code"). The Debtors, and their respective addresses, case numbers, and federal tax identification numbers are as follows:

<u>DEBTOR</u> (Other names, if any, used by the Debtor in the last 6 years appear in brackets)	<u>ADDRESS</u>	<u>CASE NO.</u>	<u>EID #</u>
Circuit City Stores, Inc. [Circuit City SM] [FireDog SM]	9950 Mayland Drive, Richmond, Virginia 23233	08-35653	54-0493875
Abbott Advertising Agency, Inc.	9950 Mayland Drive, Richmond, Virginia 23233	08-35665	54-1624659
Circuit City Stores West Coast, Inc.	9250 Sheridan Boulevard, Westminster, Colorado 80031	08-35654	95-4460785
CC Distribution Company of Virginia, Inc.	9950 Mayland Drive, Richmond, Virginia 23233	08-35659	54-1712821
Circuit City Properties, LLC	9950 Mayland Drive, Richmond, Virginia 23233	08-35661	54-0793353
Patapsco Designs, Inc.	9950 Mayland Drive, Richmond, Virginia 23233	08-35667	52-1086796
Ventoux International, Inc.	9950 Mayland Drive, Richmond, Virginia 23233	08-35656	20-1071838
Sky Venture Corp.	9950 Mayland Drive, Richmond, Virginia 23233	08-35668	54-1760311
PRAHS, INC.	9950 Mayland Drive, Richmond, Virginia 23233	08-35670	N/A

XSStuff, LLC	9950 Mayland Drive, Richmond, Virginia 23233	08-35669	54-2029163
Kinzer Technology, LLC	9950 Mayland Drive, Richmond, Virginia 23233	08-35663	54-2022157
Circuit City Purchasing Company, LLC	9950 Mayland Drive, Richmond, Virginia 23233	08-35657	20-0995170
Orbyx Electronics, LLC	9950 Mayland Drive, Richmond, Virginia 23233	08-35662	20-1263360
InterTAN, Inc.	9950 Mayland Drive, Richmond, Virginia 23233	08-35665	15-2130775
CC Aviation, LLC	9950 Mayland Drive, Richmond, Virginia 23233	08-35658	20-5290841
Courchevel, LLC	9950 Mayland Drive, Richmond, Virginia 23233	08-35664	N/A
Circuit City Stores PE, LLC	9950 Mayland Drive, Richmond, Virginia 23233	08-35660	66-0695512
Mayland MM, LLC	9950 Mayland Drive, Richmond, Virginia 23233	08-35666	20-0896116

JOINT ADMINISTRATION OF CASES. Upon a motion by the Debtors, the Bankruptcy Court entered an order on November 10, 2008 (Docket No. 77) authorizing the joint administration of the above-cases pursuant to Federal Rule of Bankruptcy Procedure 1015 and consolidating the cases for procedural purposes only under Case No. 08-35653 and directing that the joint caption of the cases read In re: Circuit City Stores, Inc., et al.

DATE, TIME AND LOCATION OF MEETING OF CREDITORS. January 9, 2009 at 10:00 a.m. Eastern Time, Office of the United States Trustee, 701 E. Broad Street, Suite 4300, Richmond, Virginia 23219

DEADLINE TO FILE A PROOF OF CLAIM. On December 11, 2008, the Bankruptcy Court entered an Order Pursuant to Bankruptcy Code Sections 105 and 502 and Bankruptcy Rules 2002, 3003(c)(3), and 9007 (1) Setting General Bar Date and Procedures for Filing Proofs of Claim; and (1) Approving Form and Manner of Notice Thereof (Docket No. 990) (the "Bar Date Order"). The Bar Date Order establishes **January 30, 2009 at 5:00 p.m. (Pacific Time)** as the last date for non-governmental creditors to file proofs of claim in these bankruptcy cases, and **May 11, 2009 at 5:00 p.m. (Pacific Time)** as the last date for governmental units to file proofs of claim in these cases. **In accordance with the Bar Date Order, the notice of bar dates (the "Bar Date Notice") will be mailed separately.** The Bar Date Notice will contain information regarding the bar dates, a proof of claim form and instructions for

completing and filing a proof of claim form with the Debtors' claims and noticing agent, Kurtzman Carson Consultants LLC. **Do not file proofs of claim with the Bankruptcy Court.**

COUNSEL FOR THE DEBTORS. Gregg M. Galardi, Esq., Ian S. Fredericks, Esq., Skadden, Arps, Slate, Meagher & Flom LLP, One Rodney Square, P.O. Box 636, Wilmington, Delaware 19899, and Dion W. Hayes, Esq., Douglas M. Foley, Esq., McGuireWoods LLP, One James Center, 901 E. Cary Street, Richmond, Virginia 23219.

COMMENCEMENT OF CASES. Petitions for reorganization under chapter 11 of the Bankruptcy Code have been filed in this Court by the Debtors listed above, and orders for relief have been entered. You will not receive notice of all documents filed in these cases. Paper copies of all pleadings or other documents filed in these cases may be obtained by sending a written request to the Bankruptcy Court's copy service, Creative Assistant, 600 Granby Street, Suite 400, Norfolk, VA 23510, or by calling (757) 624-9990. Also, documents may be viewed electronically at www.vaeb.uscourts.gov or www.kceddc.net/circuitcity. Additionally, these cases have been designated as cases assigned to the electronic case filing system. For details, see the enclosed Notice of Electronic Filing Procedure.

PURPOSE OF CHAPTER 11 FILING. Chapter 11 of the Bankruptcy Code enables a debtor to reorganize pursuant to a plan. A plan is not effective unless approved by the Bankruptcy Court at a confirmation hearing. Creditors will be given notice concerning any plan, or in the event any of these cases is dismissed or converted to another chapter of the Bankruptcy Code. The Debtors will remain in possession of their property and will continue to operate any business unless a trustee is appointed.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS. A creditor is anyone to whom a debtor owes money or property. Under the Bankruptcy Code, a debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting a debtor to demand repayment, taking action against a debtor to collect money owed to creditors or to take property of a debtor, and starting or continuing foreclosure actions or repossessions. If unauthorized actions are taken by a creditor against a debtor, the Court may penalize that creditor. A creditor who is considering taking action against a debtor or the property of a debtor should review section 362 of the Bankruptcy Code and may wish to seek legal advice. **The staff of the Clerk of the Bankruptcy Court is not permitted to give legal advice.**

MEETING OF CREDITORS. The Debtors' representative, as specified in Rule 9001(5) of The Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. **ATTENDANCE BY CREDITORS AT THE MEETING IS WELCOMED, BUT NOT REQUIRED.** At the meeting, creditors may examine the Debtors and transact such other business as may properly come before

the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to the creditors.

CLAIMS. Schedules of creditors will be filed pursuant to Bankruptcy Rule 1007. Any creditor holding a scheduled claim which is not listed as disputed, contingent, or unliquidated as to amount may, but is not required to, file a proof of claim in these cases. Creditors whose claims are not scheduled or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the cases or share in any distribution must file their proofs of claim. A creditor who desires to rely on the schedule of creditors has the responsibility for determining that the claim is listed accurately. **Separate notice of the deadlines to file proofs of claim and proof of claim forms will be provided to the Debtors' known creditors.** Proof of claim forms also are available in the clerk's office of any bankruptcy court. Proof of claim forms also are available from the Court's web site at www.vaeb.uscourts.gov. Kurtzman Carson Consultants LLC ("KCC") is the claims agent in those cases and can provide a proof of claim form if you cannot obtain one from your local bankruptcy court. KCC can be reached as follows:

Kurtzman Carson Consultants LLC
2335 Alaska Avenue
El Segundo, CA 90245
Telephone: (888) 830-4650
www.kccllc.net/circuitcity

DISCHARGE OF DEBTS AND DEADLINE TO FILE A COMPLAINT TO DETERMINE DISCHARGEABILITY OF CERTAIN DEBTS. Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). A discharge means that you may never try to collect the debt from the debtor, except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 1141(d)(6)(A), you must start a lawsuit by filing a complaint in the Bankruptcy Court by **March 9, 2009**. The bankruptcy clerk's office must receive the complaint and any required filing fee by such deadline.

CREDITOR WITH A FOREIGN ADDRESS. Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights.

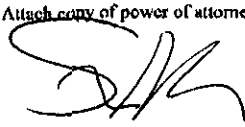
LOCAL RULE DISMISSAL WARNING. Cases may be dismissed for failure to timely file lists, schedules and statements or attend the meeting of creditors (Local Bankruptcy Rules 1007-1 and 2003-1).

Dated: December 12, 2008

WILLIAM C. REDDEN, CLERK OF COURT
United States Bankruptcy Court
701 E. Broad Street, Suite 4000
Richmond, Virginia 23219

Unsecured claim. If you believe that you have a claim against the Debtor, you are required to complete and return this form.

B 10 (Official Form 10) (12/07)

UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA		PROOF OF CLAIM
Debtor against which claim is asserted: (Check only <u>one</u> box below:)		
<input type="checkbox"/> Circuit City Stores, Inc. (Case No. 08-35653) <input type="checkbox"/> CC Distribution Company of Virginia, Inc. (Case No. 08-35659) <input type="checkbox"/> Abbott Advertising, Inc. (Case No. 08-35663)		
<input checked="" type="checkbox"/> Circuit City Stores West Coast, Inc. (Case No. 08-35654) <input type="checkbox"/> Circuit City Stores PR, LLC (Case No. 08-35660) <input type="checkbox"/> Mayland MN, LLC (Case No. 08-35666)		
<input type="checkbox"/> InterTAN, Inc. (Case No. 08-35655) <input type="checkbox"/> Circuit City Properties, LLC (Case No. 08-35661) <input type="checkbox"/> Patapsco Designs, Inc. (Case No. 08-35667)		
<input type="checkbox"/> Ventoux International, Inc. (Case No. 08-35656) <input type="checkbox"/> Orbyx Electronics, LLC (Case No. 08-35662) <input type="checkbox"/> Sky Venture Corporation (Case No. 08-35668)		
<input type="checkbox"/> Circuit City Purchasing Company, LLC (Case No. 08-35657) <input type="checkbox"/> Kinzer Technology, LLC (Case No. 08-35663) <input type="checkbox"/> XSTuff, LLC (Case No. 08-35669)		
<input type="checkbox"/> CC Aviation, LLC (Case No. 08-35658) <input type="checkbox"/> Courchevel, LLC (Case No. 08-35664) <input type="checkbox"/> PRAHS, INC. (Case No. 08-35670)		
Name of Creditor (the person or other entity to whom the debtor owes money or property): MIMS, SATCHI		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: MIMS, SATCHI P O BOX 19304 OAKLAND CA 94619		
NameID: 5006583 PackID: 402960 Telephone number: _____		
Name and address where payment should be sent (if different from above): Telephone number: _____		<input checked="" type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: <u>\$ 9,500.00</u> If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtors business, whichever is earlier — 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan — 11 U.S.C. § 507(a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use — 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units — 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). Amount entitled to priority: <u>\$</u> *Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
2. Basis for Claim: <u>Breach of Contract, Breach of the covenant of good faith and fair dealing of insurance contract</u> (See instruction #2 on reverse side.) <u>Breach of Warranty fitness & merchantable, Fraud</u>		
3. Last four digits of any number by which creditor identifies debtor: _____ 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		
Date: <u>01/10/2009</u> Signature: the person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. 		FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

MasterCode: 10147892



0835854081218073831122441

Attachment for Circuit City West Coast Stores, Inc. Proof of Claim Form

Some of the documents and other evidence relating to and supporting Satchidananda Mims a.k.a. Satchi Mims, ("Creditor"), claim is not available at this time, due to failure to complete the discovery during pending litigation in Superior Court of California, the County of Alameda Case no. RG08399323. Also several documents supporting the proof of claim are already in Circuit City West Coast Stores Inc. ("Debtor"), (Case no. 08-35654) possession. See filed complaint and it's Exhibits for Mims v. Circuit City Stores, Inc. Case no. RG08399323.

Also, please note that more than one of the Debtors that filed Chapter 11 Bankruptcy is responsible for damages to Creditor. Respectively Circuit City Stores, Inc. and Circuit City Stores West Coast Inc.; although claims for each Debtor are required to be filed separately it should be noted that the claims relate to each other and both surround pending litigation and damages surrounding it.

Unsecured claim. If you believe that you have a claim against the Debtor, you are required to complete and return this form.

B 10 (Official Form 10) (12/07)

UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA

PROOF OF CLAIM

Debtor against which claim is asserted: (Check only one box below:)

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Circuit City Stores, Inc. (Case No. 08-35653) | <input type="checkbox"/> CC Distribution Company of Virginia, Inc. (Case No. 08-35659) | <input type="checkbox"/> Abbott Advertising, Inc. (Case No. 08-35665) |
| <input type="checkbox"/> Circuit City Stores West Coast, Inc. (Case No. 08-35654) | <input type="checkbox"/> Circuit City Stores PR, LLC (Case No. 08-35660) | <input type="checkbox"/> Mayland MN, LLC (Case No. 08-35666) |
| <input type="checkbox"/> InterTAN, Inc. (Case No. 08-35655) | <input type="checkbox"/> Circuit City Properties, LLC (Case No. 08-35661) | <input type="checkbox"/> Palapsoo Designs, Inc. (Case No. 08-35667) |
| <input type="checkbox"/> Ventoux International, Inc. (Case No. 08-35656) | <input type="checkbox"/> Orbyx Electronics, LLC (Case No. 08-35662) | <input type="checkbox"/> Sky Venture Corporation (Case No. 08-35668) |
| <input type="checkbox"/> Circuit City Purchasing Company, LLC (Case No. 08-35657) | <input type="checkbox"/> Kinzer Technology, LLC (Case No. 08-35663) | <input type="checkbox"/> XStuff, LLC (Case No. 08-35669) |
| <input type="checkbox"/> CC Aviation, LLC (Case No. 08-35658) | <input type="checkbox"/> Courchovel, LLC (Case No. 08-35664) | <input type="checkbox"/> PRAIIS, INC. (Case No. 08-35670) |

NOTICE: This form should not be used to make a claim for administrative expenses arising after the commencement of the case. It is subject to payment of an administrative expense only by the United States Bankruptcy Court for the Eastern District of Virginia.

Name of Creditor (the person or other entity to whom the debtor owes money or property):

MIMS, SATCHI

Name and address where notices should be sent:

**MIMS, SATCHI
P O BOX 19304
OAKLAND CA 94619**

NameID: 4982324

PackID: 402959

Telephone number:

☐ **Check this box to indicate that this claim amends a previously filed claim.**

Court Claim Number: _____
(If known)

Filed on: _____

Name and address where payment should be sent (if different from above):

Telephone number:

☒ **Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.**

☐ **Check this box if you are the debtor or trustee in this case.**

1. Amount of Claim as of Date Case Filed: \$ 9,500.00

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.

If all or part of your claim is entitled to priority, complete item 5.

☐ **Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.**

2. Basis for Claim: Breach of Contract, Breach of the Covenant of Good Faith and Fair Dealing of an Insurance Contract, Breach of Warranty Fitness, Breach of Warranty merchantable, Fraud.
(See instruction #2 on reverse side.)

3. Last four digits of any number by which creditor identifies debtor: _____

3a. Debtor may have scheduled account as: _____
(See instruction #3a on reverse side.)

4. Secured Claim (See instruction #4 on reverse side.)

Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☐ Other
Describe:

Value of Property: \$ _____ **Annual Interest Rate** _____%

Amount of arrearage and other charges as of time case filed included in secured claim,

if any: \$ _____ **Basis for perfection:** _____

Amount of Secured Claim: \$ _____ **Amount Unsecured:** \$ _____

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

Date:
01/10/2009

Signature: the person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

[Signature]

FOR COURT USE ONLY

Amount entitled to priority:

\$ _____

*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

MasterCode: 10135888



083565308121807411173789

Attachment for Circuit City Stores, Inc. Proof of Claim Form

Some of the documents and other evidence relating to and supporting Satchidananda Mims a.k.a. Satchi Mims ("Creditor"), claim is not available at this time, due to failure to complete the discovery during pending litigation in Superior Court of California, the County of Alameda Case no. RG08399323. Also, several documents supporting the proof of claim are already in Circuit City Stores, Inc. ("Debtor") (Case no. 08-35653) possession. See filed complaint and it's Exhibits for Mims v. Circuit City Stores, Inc. Case no. RG08399323.

Also, please note that more than one of the Debtors that filed Chapter 11 Bankruptcy is responsible for damages to Creditor. Respectively Circuit City Stores, Inc. and Circuit City Stores West Coast Inc.; although claims for each Debtor are required to be filed separately it should be noted that the claims relate to each other and both surround pending litigation and damages surrounding it.

1 SATCHIDANANDA MIMS a.k.a. Satchi Mims
2 P.O. BOX 19304
3 OAKLAND, CA 94619

4 510-530-6345

5 ("Creditor") In Pro Se

6 **UNITED STATES BANKRUPTCY COURT**
7 **EASTERN DISTRICT OF VIRGINIA**

8 In re:

9 CIRCUIT CITY STORES, INC., et al.

10 Debtor(s).

Case No.: 08-35653-KRH

Chapter 11

Declaration of Service by Mail
[Proof of Service]

11 **Proof Service**

12 Ms. Akenduca Beasley, the undersigned, hereby declares:

13 I am a citizen of the United States. I am over the age of 18 years and not a party to within action.

14 My mailing address is P.O. Box 19304, Oakland, CA 94619. On June 26, 2009, at the direction

15 of Satchidananda Mims a.k.a Satchi Mims, ("Creditor") in Pro Se, I served a copy of the

16 Creditor's Declaration, Creditor's Response to the Debtors Tenth Omnibus Objection to proof of

17 Claims and Proposed Order, upon each party required to receive notice under Local Bankruptcy

18 Rule 4001(a)-1(E) (1), with postage thereon fully prepaid, a true copy of thereof as follows:

21 Counsel to the Debtors

22 Dion W. Hayes, Esq.
23 Douglas M. Foley, Esq.
24 McGuire Woods LLP
25 One James Center
26 901 E. Cary Street
27 Richmond, VA 23219

Counsel to the Debtors

Gregg M. Galardi, Esq.
Ian S. Fredericks, Esq.
Skadden, Arps, Slate, Meagher & Flom, LLP
One Rodney Square
PO Box 636
Wilmington, DE 19899-0636

Counsel to the Debtors

Timothy G. Pohl, Esq.
Chris L. Dickerson, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP
333 West Wacker Drive Suite 2000
Chicago, IL 60606

United States Trustee

Robert B. Van Arsdale, Esq.
Office of the United States Trustee
Richmond, Virginia Office
701 East Broad Street, Suite 4304
Richmond, VA 23219-1888

Official Committee of Unsecured Creditors

Alan J. Kornfeld, Esq.
Brad R. Godshall, Esq.
Gillian N. Brown, Esq.
Jeffrey N. Pomerantz, Esq.
Pachulski Stang Ziehl & Jones, LLP
10100 Santa Monica blvd, 11th Floor ,
Los Angeles, CA 90067-4100

Official Committee of Unsecured Creditors

John D. Fiero, Esq.
Pachulski Stang Ziehl & Jones LLP
150 California Street, 15th Floor
San Francisco, CA 94111-4500

Official Committee of Unsecured Creditors

John A. Morris, Esq.
Lynn L. Tavenner, Esq.
Paula S. Beran, Esq.
Tavenner & Beran, PLC
20 North Eighth Street, Second Floor
Richmond, VA 23219

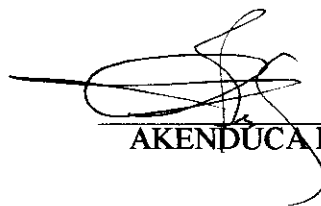
Official Committee of Unsecured Creditors

Robert J. Feinstein, Esq.
Pachulski Stang Ziehl & Jones LLP
780 Third Ave. 36th Floor
New York, NY 10017

I declare under penalty of perjury that the foregoing is true and correct.

Service Executed at Oakland, California on June 26, 2009.

Dated this 26th day of June, 2009



AKENDUCA BEASLEY

SATCHIDANANDA MIMS
P.O. BOX 19304 ~ Oakland, California 94619

June 26, 2009

Attn: Clerk of the Court
U.S. Bankruptcy Court
701 East Broad Street
Richmond, VA 23219-1888

Re: In re: Circuit City Stores, Inc., et al.

Dear sir or madam:

Please file the Creditor's Response in to the Tenth Omnibus Objection and endorse the copy and mail it back in the prepaid large envelope.

If you have questions or concerns feel free to contact me. Thanks to you for your prompt attention to this matter and your time.

Very truly yours,



Satchidananda Mims